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SEP 14 1903
JAMES H. McKENNEY,
Clerk.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1903.

No. 836 69

CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY,
Plaintiff in Error,

v.

PATRICK McGUIRE, M. M. HATHAWAY, AND PHILLIP DELLINGER, SHERIFF OF PULASKI COUNTY,
Defendants in Error.

MOTION TO DISMISS OR AFFIRM.

Come now the defendants in error herein, by W. H. H. Miller, their counsel, appearing in that behalf, and move the court to dismiss the writ of error in the above entitled

cause for want of jurisdiction, because the judgment, for the reversal of which said writ of error has been sued out, is a judgment of the appellate court of the state of Indiana, being the court of last resort in said cause, and in the record and proceedings in said cause it appears that no federal question was involved, presented or decided in the state courts, as required by section 709 of the Revised Statutes of the United States.

And the said defendants in error, by counsel as aforesaid, also move the court to affirm said judgment, to reverse which said writ of error has been sued out, because it appears that no federal question has been presented, heard or decided in said cause, nor any decision been made in the state court of any question reviewable in this court, but it is manifest that said writ of error can result in delay only.

And the said defendants in error have caused to be printed, and file and present herewith a partial transcript of the record, showing all papers necessary to be considered in the determination of this motion.

And they also file herewith their printed brief in support of said motion.

W. H. H. MILLER,
Attorney for Defendants in Error.